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# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the insecticide act]

1216-1220

[Approved by the Secretary of Agriculture, Washington, D. C., April 15, 1932]

**1216. Misbranding of Wyeth cresylic compound. U. S. v. George H. Garnet.**  
**Plea of guilty. Fine, \$50. (I. & F. No. 1537. Dom. No. 027033.)**

Examination of samples of Wyeth cresylic compound showed that the article was sold as an agency for controlling fungi (bacteria) and failed to bear a statement on the label of the name and percentage amount of each inert ingredient; nor, in lieu thereof, the name and percentage amount of each active ingredient and the total percentage of the inert ingredients, as required by law.

On April 13, 1931, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against George H. Garnet, Allentown, Pa., alleging shipment by said defendant, in the name of the Wyeth Supply Co., on or about April 2, 1930, from the State of Pennsylvania into the State of New York, of a quantity of the said Wyeth cresylic compound, which was a misbranded fungicide within the meaning of the insecticide act of 1910.

It was alleged in the information that the article was misbranded in that it consisted partially of inert substances, to wit, water and glycerin, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of each and every one of the said inert substances so present therein were not stated plainly and correctly, or at all, on the label affixed to the drum containing the article; nor, in lieu thereof, were the name and percentage amount of each and every substance having fungicidal (bactericidal) properties, and the total percentage of the inert substances so present in the article, stated plainly and correctly, or at all, on the label.

On October 14, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1217. Adulteration and misbranding of calcium arsenate. U. S. v. 5 Drums of Calcium Arsenate. Consent decree of condemnation. Product released under bond. (F. & D. No. 1554. S. No. 248.)**

Samples of a product represented to be calcium arsenate were found to consist essentially of a mixture of lead arsenate and lime. The article also contained arsenic in water-soluble form and the label failed to bear a statement to that effect as required by the law.

On or about August 18, 1931, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five drums of the said calcium arsenate. It was alleged in the libel that the article had been shipped by J. L. Mosby, Jr., from Memphis, Tenn., on or about August 7, 1931, from the State of Tennessee into the State of Arkansas, that having been so transported it remained unsold in the original unbroken packages at Batesville, Ark., and that it was an adul-

terated and misbranded insecticide within the meaning of the insecticide act of 1910.

Adulteration of the article was alleged in the libel for the reason that the statement "Calcium Arsenate," borne on the label affixed to each of the drums containing the article, represented that its standard and quality were such that it consisted of calcium arsenate, whereas the strength and purity of the said article fell below the professed standard and quality under which it was sold, in that it did not consist of calcium arsenate, but did consist essentially of a mixture of lead arsenate and lime. Adulteration was alleged for the further reason that lead arsenate and lime had been substituted for calcium arsenate.

Misbranding was alleged for the reason that the statement "Calcium Arsenate," borne on the label, was false and misleading, and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser, in that the said statement represented that the article consisted of calcium arsenate, whereas it did not so consist, but did consist essentially of a mixture of lead arsenate and lime. Misbranding was alleged for the further reason that the article contained arsenic in water-soluble form, and the amount of arsenic in water-soluble form, expressed as per centum of metallic arsenic, was not stated on the label.

On December 14, 1931, the Yeatman Gray Grocery Co., Batesville, Ark., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the insecticide act of 1910, or the laws of any State, Territory, or district.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1218. Adulteration and misbranding of Cenol louse destroyer. U. S. v. Cenol Co. Plea of guilty. Fine, \$200. (I. & F. No. 1552. Dom. No. 8111.)**

Examination of samples of Cenol louse destroyer showed that the article contained a much smaller proportion of the ingredient possessing insecticidal properties, namely, sodium fluoride, and a much larger proportion of the ingredient that did not possess insecticidal properties, than declared on the label.

On October 10, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Cenol Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the insecticide act of 1910, on or about November 9, 1929, from the State of Illinois into the State of Ohio, of a quantity of Cenol louse destroyer which was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that the statements, "Commercial Sodium Fluoride 70% Inert Matter (Talc) 30%," borne on the label affixed to the can containing the said article, represented that its standard and quality were such that it contained commercial sodium fluoride in the proportion of 70 per cent, and contained inert matter, namely, substances that do not prevent, destroy, repel, or mitigate insects in the proportion of not more than 30 per cent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained sodium fluoride in a proportion much less than 70 per cent, and contained inert matter in a proportion much greater than 30 per cent.

Misbranding was alleged for the reason that the statements, "Commercial Sodium Fluoride 70% Inert Matter (Talc) 30%," borne on the label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article contained 70 per cent of commercial sodium fluoride and not more than 30 per cent of inert matter, and that the said inert matter consisted of talc only, whereas the article contained much less than 70 per cent of commercial sodium fluoride and contained much more than 30 per cent of inert matter, and the said inert matter did not consist of talc only but did consist of inorganic impurities of commercial sodium fluoride in addition to talc.

On December 16, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**1219. Misbranding of Cre-Bol-You. U. S. v. J. Warren Bullen (Bullen Chemical Co.). Plea of guilty. Fine, \$25. (I. & F. No. 1559. Dom. No. 30897.)**

Examination of samples of Cre-Bol-You showed that the labeling of the article represented that it would purify the air in hospitals, etc., would sterilize linens, and would act as a disinfectant at certain dilutions, whereas it would not purify the air as claimed, would not sterilize linens, and would not act as a disinfectant at certain dilutions specified on the label. Examination showed further that the labels failed to declare the name and percentage of the inert ingredients present in the article in manner provided by law.

On January 4, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against J. Warren Bullen, trading as the Bullen Chemical Co., Folcroft, Pa., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about June 15, 1931, from the State of Pennsylvania into the State of New Jersey, of a quantity of the said Cre-Bol-You, which was a misbranded fungicide within the meaning of the said act.

It was alleged in the information that the article was misbranded in that the statements, to wit, "Directions for Hospitals and Sick Rooms. To keep the air pure and prevent the spread of infectious diseases from sputum and other discharges, use 1 to 8 ounces of Cre-Bol-You to one gallon of water, as conditions warrant. To purify the air in toilets, theatres, schools, factories and public places and to destroy disease germs, use one gallon of Cre-Bol-You diluted with 50 to 200 gallons of water. Mop floors, spray or sprinkle freely everywhere. In extreme cases sprinkling cart may be used. Cre-Bol-You makes a perfect emulsion when mixed in water. Suitable for sterilizing linens," borne on the label affixed to the can containing the said article, were false and misleading and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article when used as directed would keep the air in hospitals and sick rooms pure, would purify the air in toilets, theaters, schools, factories and public places, and would act as a disinfectant at the weaker dilution specified upon the label, to wit, 1 gallon of the article to 200 gallons of water, and would be suitable for sterilizing linens; whereas the article when used as directed would not keep the air in hospitals and sick rooms pure, would not purify the air in toilets, theaters, schools, factories, and public places, and would not act as a disinfectant at the weaker dilution specified on the label, to wit, 1 gallon to 200 gallons of water, and would not be suitable for sterilizing linens.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, to wit, water, that is to say, a substance that does not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of the said inert substance so present therein were not stated plainly and correctly, or at all, on the label affixed to the can containing the said article; nor, in lieu thereof, were the name and percentage amount of each and every substance having fungicidal (bactericidal) properties, and the total percentage of the inert substance so present stated plainly and correctly, or at all, on the said label.

On January 21, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1220. Adulteration and misbranding of Red Cross deodorizing powder. U. S. v. John C. Tevis (John C. Tevis & Co.). Plea of guilty. Fine, \$25. (I. & F. No. 1558. Dom. No. 30361.)**

Examination of sample cans of Red Cross deodorizing powder, a product sold as an insecticide, showed the presence of a larger proportion of substances which have no insecticidal properties than declared on the labels, also that the cans contained less than the weight represented.

On November 30, 1931, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against John C. Tevis, trading as John C. Tevis & Co., Philadelphia, Pa., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about April 25, 1931, from the State of Pennsylvania into the State of New York, of a quantity of the said Red Cross deodorizing powder which was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that the statement, "Contents 10 per cent (inert) Powdered Gypsum," borne on the label affixed to the can containing the said article, represented that its standard and quality were such that it contained inert matter, namely, a substance or substances that do not prevent, destroy, repel, or mitigate insects, to wit, moths, in a proportion of not more than 10 per cent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained inert matter in a proportion much greater than 10 per cent.

Misbranding was alleged for the reason that the statement, "Contents 10 per cent (inert) Powdered Gypsum," borne on the label, was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, in that it represented that the article contained 10 per cent of inert matter, whereas it contained inert matter in a proportion much greater than 10 per cent. Misbranding was alleged for the further reason that the statement, "Net weight 7 ounces," borne on the label, represented that the packages each contained 7 ounces net of the article, whereas the net weight of the said article was not correctly stated on the outside of the packages, in that the net weight was less than 7 ounces.

On January 21, 1932, the defendant entered a plea of guilty to the information and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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